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SUMMARY RECORD OF THE 45th MEETING

Chairman:	Ms. AL-HAMAMI (Vice-Chairman)	(Yemen)
later:	Mr. KUKAN (Chairman)	(Slovakia)

CONTENTS

AGENDA ITEM 114: HUMAN RIGHTS QUESTIONS (continued)

(b) HUMAN RIGHTS QUESTIONS, INCLUDING ALTERNATIVE APPROACHES FOR IMPROVING THE EFFECTIVE ENJOYMENT OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS (continued)

(c) HUMAN RIGHTS SITUATIONS AND REPORTS OF SPECIAL RAPPORTEURS AND REPRESENTATIVES (continued)

AGENDA ITEM 115: SITUATION OF HUMAN RIGHTS IN ESTONIA AND LATVIA (continued)

AGENDA ITEM 172: NECESSITY OF ADOPTING EFFECTIVE MEASURES FOR THE PROMOTION AND PROTECTION OF THE RIGHTS OF CHILDREN THROUGHOUT THE WORLD WHO ARE VICTIMS OF ESPECIALLY DIFFICULT CIRCUMSTANCES INCLUDING ARMED CONFLICTS (continued)

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The meeting was called to order at 3.25 p.m.

AGENDA ITEM 114: HUMAN RIGHTS QUESTIONS (continued) (A/48/58-S/25024, A/48/63, A/48/68, A/48/74-S/25216, A/48/75-S/25217, A/48/77-S/25231, A/48/88-S/25310, A/48/93, A/48/94, A/48/113-S/25397, A/48/116, A/48/120, A/48/125, A/48/136, A/48/152, A/48/174, A/48/176-S/25834, A/48/177-S/25835, A/48/181, A/48/184, A/48/201, A/48/203-S/25898, A/48/211, A/48/214, A/48/217-S/25986, A/48/222, A/48/261-S/26073, A/48/262, A/48/273, A/48/291-S/26242, A/48/294-S/26247, A/48/302, A/48/307, A/48/330, A/48/355-S/26390, A/48/357, A/48/370, A/48/394, A/48/395-S/26439, A/48/396-S/26440, A/48/401, A/48/446, A/48/484, A/48/496 and A/48/564)

(b) HUMAN RIGHTS QUESTIONS, INCLUDING ALTERNATIVE APPROACHES FOR IMPROVING THE EFFECTIVE ENJOYMENT OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS (continued) (A/48/210-E/1993/89, A/48/283, A/48/340, A/48/342, A/48/425, A/48/509 and Add.1, A/48/510, A/48/575, A/48/576, A/48/589, A/48/590; A/C.3/48/7 and A/C.3/48/8)

(c) HUMAN RIGHTS SITUATIONS AND REPORTS OF SPECIAL RAPPORTEURS AND REPRESENTATIVES (continued) (A/48/92-S/25341, A/48/261, A/48/274-S/26125, A/48/295, A/48/298, A/48/299, A/48/351-S/26359, A/48/387-S/26424, A/48/525, A/48/526 and Add.1, A/48/561, A/48/562, A/48/570-S/26686, A/48/577, A/48/578, A/48/579, A/48/584, A/48/600, A/48/601; A/C.3/48/9, A/C.3/48/13 and A/C.3/48/17)

AGENDA ITEM 115: SITUATION OF HUMAN RIGHTS IN ESTONIA AND LATVIA (continued) (A/48/82, A/48/156, A/48/208, A/48/220, A/48/223, A/48/259, A/48/511; A/C.3/48/16)

AGENDA ITEM 172: NECESSITY OF ADOPTING EFFECTIVE MEASURES FOR THE PROMOTION AND PROTECTION OF THE RIGHTS OF CHILDREN THROUGHOUT THE WORLD WHO ARE VICTIMS OF ESPECIALLY DIFFICULT CIRCUMSTANCES INCLUDING ARMED CONFLICTS (continued) (A/48/242; A/C.3/48/1/Add.1)

1. Mr. GHAFOORZAI (Afghanistan) made a statement concerning agenda item 114 (c). He extended his gratitude to Mr. Ermacora for his tireless efforts in bringing to light the situation of human rights in Afghanistan and, in particular, his recommendations for the alleviation of some violations of those rights which were the legacy of 14 years of war and foreign aggression. However, he expressed reservations about paragraph 132 of Mr. Ermacora's report in the light of his Government's position on that matter.

2. He recalled that, after the establishment of the Islamic State of Afghanistan, the President had declared a general amnesty and had decreed that all laws which did not run contrary to the Islamic principles of shari'a, should remain in force. Accordingly, the competent courts and organs had the duty to apply all provisions ensuring the exercise of fundamental individual and social rights. The administration regulated the various political, social, economic and cultural spheres and established the necessary legal guarantees for respect of human rights and gradual stabilization of the country.

(Mr. Ghafoorzai, Afghanistan)

3. His delegation recalled with bitterness that, as a result of the military aggression of the former Soviet Union, almost all the economic, social and political institutions of the country had been razed to the ground and that the people of Afghanistan had been subjected to physical and psychological torture. He emphasized the need to consider implementation of international instruments on human rights in Afghanistan in the light of objective realities and possibilities of a war-stricken country.

4. During the past one-and-a-half years, the human rights situation in Afghanistan had been keenly pursued by the Special Rapporteur as well as by other human rights organizations including Asia Watch. His delegation appreciated that concern and reiterated the strong intention of the Islamic State to guarantee promotion and protection of human rights throughout the country.

5. Unfortunately, diverse forces and certain foreign factors had attempted to aggravate the situation in Afghanistan and had been involved in human rights violations. The arrest, trial and execution last year of a small number of armed thieves and murderers, in compliance with the laws and principles of Islam, had raised a tremendous uproar which was completely unjustified. His delegation pointed out that, if under the previous regime there had been thousands of political prisoners in Afghanistan, the current number of such prisoners did not exceed more than a dozen. It deeply regretted the few instances of killings of persons connected to the former regime which had been carried out more for reasons of personal vengeance than for political incentives. If there had been - and if there were probably still there - some instances of hostage-taking, torture, illegal arrest and detention, such acts were the result of irresponsible armed groups against whom the security forces were waging a severe struggle.

6. He questioned the merits of criticizing the policy his Government was said to practice towards its employees. Following the establishment of the Islamic State, only some very high government political posts had been filled with new officials. Nothing had been changed in the other services of the State administration, which was evidence that the rights of employees were being respected without political, language, religious, racial or any other considerations.

7. All State and private employers were obliged to observe strictly the provisions of the labour laws which ensured minimum wages and generally accepted standards.

8. Mr. Ermacora had indicated in his report that there was a lack of respect for women in Afghanistan. In fact, those were isolated and unfortunate instances attributable to the long war which had devastated the country. The Islamic State of Afghanistan had been making extensive efforts to ensure respect for the rights of women and to provide favourable opportunities for them.

(Mr. Ghafoorzai, Afghanistan)

9. His delegation was thankful to the Special Rapporteur for having included, in paragraph 45 of his report, that 7,000 Afghan families living in the area of the border with Tajikistan had fled from their villages. However, it regretted that he had not made clear that those families had fled the artillery attacks from the territory of Tajikistan.

10. It was unfortunate that most of the information acquired by Mr. Ermacora was based on isolated communications unconfirmed by more thorough investigations.

11. Political developments in Afghanistan in recent months had raised hopes that a climate conducive to the enjoyment of fundamental rights and individual freedoms might be established. Ensuring respect for the generally accepted standards in that area and maintaining internal stability depended first on the country's political will and then on its economic potential. To take its place within the international community, Afghanistan had to start by rehabilitating its economic infrastructure. To achieve that, it was largely dependent on the economic aid programmes elaborated and implemented by the United Nations, assistance agencies and donor countries.

12. Mr. JAAFARI (Syrian Arab Republic) said that it was very difficult to arrive at a generally agreed upon definition of what was meant by "human rights" because of the diversity of criteria, viewpoints and interests involved. Indeed, the political, economic and cultural dimensions of the issue varied between peoples, endowing them with a uniqueness that even the most fervent advocates of the universality of human rights could not ignore.

13. All values, including the most sacrosanct rights, were relative and had to be understood in their original cultural context. The United Nations Educational, Scientific and Cultural Organization (UNESCO) had been created for the specific purpose of preserving and promoting the identities of each culture; yet, respect for those identities was not necessarily incompatible with the establishment of a universal structure to defend and strengthen human rights. That was a perfectly logical conclusion, to be added to those arrived at by the participants at a round table organized by the Council of Europe and held before the Vienna World Conference on Human Rights; at that meeting, the participants had been urged to give consideration, in the field of human rights, to religions, cultures and traditions other than those of the West and to respect the cultural diversity of peoples, provided that it did not undermine fundamental universal values. Similarly, in a speech given at Oxford University, Prince Charles had criticized Western prejudices against Islam, pointing out that Europe owed a great deal to Islamic civilization and to that in the Middle Ages, Islam had displayed an exemplary religious tolerance which the West would do well to imitate. The speaker noted with regret that the message had not been heeded; he observed with great bitterness that, at the Vienna World Conference on Human Rights, the declaration concerning the violations of human rights committed in Bosnia and Herzegovina had been adopted, not by consensus as might have been expected, but with 45 abstentions. It was amazing, too, that in the industrialized countries, the same groups that had

(Mr. Jaafari, Syrian Arab Republic)

made Islam their ally during the cold war had made Islam the new enemy, replacing their former enemy, the Soviet Union. He found it astonishing that the West had made Islam and the Arab world the primary target of its hostility, using as a pretext the mindless schemes of a few integrationists, who were themselves the product of the anti-communist crusade; yet, it did not condemn terrorist acts committed by non-Islamic integrationist groups. That carefully orchestrated propaganda which, by systematically linking the words "Arab" and "Muslim" with the word "terror", was trying to turn the Arab world and Islam into demons, was in itself a violation of article 1 of the Universal Declaration of Human Rights.

14. In terms of human rights, it was no longer a question of concluding new treaties or adopting new conventions, but of ensuring full and unqualified respect for the principle of the equality of all peoples under international law.

15. His delegation feared that the issue of human rights might give rise to a conflict of values between the countries of the North, the majority of which believed in the universality of human rights, with emphasis on political and civil rights, and the developing countries in the South, in particular the Asian countries which, while considering that those rights must be seen as an indissociable whole, were convinced that the characteristics of each society had to be taken into consideration.

16. The idea of human rights had a vast scope. Thus, occupation, aggression, expulsions, destruction of settlements, drying up of wells and watercourses, destruction of trees, environmental pollution, rewriting history, falsifying geographical facts and deceiving international public opinion were all serious violations of human rights, on the same level as systematic rapes, burning of villages, ethnic cleansing and deportations.

17. His country was aware that human rights had been applied in a very selective manner in the Middle East. Thus, with respect to peace in that region, it did not intend to make a show of hasty enthusiasm or unjustified optimism. It first sought a just and comprehensive peace whereby its lands would be restored and all the peoples in the region would regain the legitimate rights of which they had been deprived. Respect for human rights in the Middle East depended on the establishment of a genuine peace. To that end, it would be necessary to eliminate Israel's weapons of mass destruction, allow millions of Palestinian refugees to return home and stop portraying Israel as a victim. It was, in fact, astonishing that the term "victim" could be applied to a State which occupied the territory of another by force, stole their water resources and pillaged their archaeological heritage, launched regular attacks against its neighbours, forced populations living in the territories it occupied to carry identity cards, installed settlements and had always refused to implement the more than 300 United Nations resolutions adopted since 1948. The United Nations had had and still had to spend substantial amounts to finance activities intended to end the Israeli occupation and to lessen the suffering of its victims; thus, the first aim of the United Nations restructuration effort

(Mr. Jaafari, Syrian Arab Republic)

should be to put an immediate end to that occupation and to guarantee to the Palestinian people the exercise of its legitimate *rights, including its rights* to choose its own destiny in its homeland.

18. The Syrian Arab Republic was convinced that there could be no fair and lasting peace in the Middle East until the Israeli army had left the occupied territories and the safety of everyone was guaranteed. It would therefore refuse to take back what it considered to be its due as long as the rights of others continued to be flouted. It was also inviting the other party to adopt an attitude as bold and realistic as its own, for the restitution of a few kilometres of land under extremely restrictive conditions was an insult to the Arab people and an attack on their rights; the problem was clearly far from resolved, and much remained to be done if a genuine peace was to be brought to the region.

19. Mr. U WIN MRA (Myanmar), speaking on agenda item 114 (c), said that his country was doing its utmost to create a stable political environment in which democracy could thrive. The priorities that societies set in that area depended on their culture and stage of development. Only when there was political stability and economic security could democracy take firm root and human rights be fully realized.

20. He regretted that the delegations that had accused his country of human rights violations had ignored the many positive changes that had taken place in Myanmar over the past five years. Those changes had advanced the cause of human rights, economic, social and cultural rights as well as civil and political rights, in Myanmar.

21. The most significant development in the past year had been the convening of the National Convention to lay down the principles for a new constitution. It had been attended by some 700 delegates, representing all the national races and the legally recognized political parties and including representatives elected in the 1990 elections and delegates from all strata of Myanmar society. It should be noted that the representatives of the political parties had been nominated by their own parties and that other delegates had been selected through a fair procedure. Through a process of delegation and compromise, consensus had been reached on the fundamental principles to be embodied in the new constitution. The Convention had commenced work on 9 January 1993 and was currently in recess so that delegates could hold consultations in preparation for the next phase, to begin on 18 January 1994. Given the much improved political and economic situation in the entire country, he was confident that the Convention would produce a consensus document that would pave the way for a multiparty democracy to which the people aspired.

22. The history of nations testified to the fact that transition from one system to another was always difficult. In Myanmar, which had 135 national races professing different religions and speaking numerous languages, the hasty adoption of a new constitution would spell chaos rather than promote unity.

(Mr. U Win Mra, Myanmar)

23. The Government of Myanmar, aware that political stability and economic development were interdependent, had been promoting economic reforms and was endeavouring to ensure a smooth transition from a centrally planned economy to a market economy. Its efforts were bearing fruit: the gross domestic product had grown by 10.9 per cent in the past year. Production, exports and foreign investment had increased significantly. The private sector, which had been dormant for decades, had been reinvigorated. There were a growing number of local and foreign investors in various sectors, including fisheries, mining, tourism and the oil sector. The Government had just enacted a law to guarantee protection against expropriation and the right of foreign investors to transfer funds. Infrastructure building continued to take place throughout the country. Satellite towns were springing up to ease the overpopulation of cities. In brief, the State was addressing the people's food, clothing and shelter needs to the fullest extent possible. The most striking example of its efforts was found in the border areas. In addition, the Government had successfully implemented projects aimed at eradicating the production of illegal drugs.

24. The constructive measures taken by the Government in the past five years had established trust among the various national races. As a result, 10 armed groups, including the largest, the Kachin Independence Organization, had renounced the use of force, which augured well for the success of the Government's policy of national reconciliation. In pursuance of that policy, the Government had in April 1992 suspended all offensive operations in the country. Quite recently, it had made peace overtures to the remaining armed groups.

25. His delegation regretted that, such important developments notwithstanding, the Belgian delegation, speaking on behalf of the Twelve, and the representatives of Norway and the United States, in referring to the situation in Myanmar, had failed to acknowledge the many positive changes that had occurred during the past five years. It particularly regretted that the representative of Sweden had spoken of violent oppression of ethnic and religious minorities, and wished to state categorically that there was no racial or religious discrimination in Myanmar. On the contrary, the Myanmar Government promoted the economic and social development of all ethnic groups and had established, to that end, the Ministry for the Development of the Border Areas and National Races. In that regard he cited a passage from the report of Mrs. Sadako Ogata (E/CN.4/1991/R.3), who had visited Myanmar in 1990 as an independent expert appointed by the Chairman of the Commission on Human Rights. After noting that there was a total absence of discrimination based on religion in the public service, Mrs. Ogata had said that Myanmar's society might be considered a model society in that respect.

26. To dispel any remaining doubts about Myanmar's commitment to human rights, he said that on 5 November 1993 a memorandum of understanding had been signed between the Government of Myanmar and the Office of the United Nations High Commissioner for Refugees which provided for UNHCR's presence on the Myanmar side of the Myanmar-Bangladesh border. Over 45,000 Myanmar refugees in Bangladesh had been able to return to their homes in safety. In the spirit of

(Mr. U Win Mra, Myanmar)

good-neighbourliness that existed between Myanmar and its neighbours, Myanmar continued to seek a lasting solution to the complex problem of transborder migrations of people. Another significant development, acknowledged by the Special Rapporteur in his introductory statement, had been the decision of the Myanmar Government to translate the text of the Universal Declaration of Human Rights into Myanmar and to distribute copies widely, in particular to all delegates to the National Convention.

27. He noted that Myanmar had acceded to the Convention on the Rights of the Child in September 1991. He was also pleased to announce that on 15 October 1993 his Government had withdrawn its reservations in respect of articles 15 and 37 of the Convention. The Government had even enacted a law to protect and safeguard the rights of children which went well beyond its obligations under the Convention. He also informed the Committee that his country had acceded to the four Geneva Conventions of 1949 and that it was cooperating with the International Committee of the Red Cross in holding seminars to promote greater awareness of international humanitarian law among military personnel.

28. It had been Myanmar's consistent policy to cooperate fully with the United Nations and to furnish the information sought by the international human rights bodies. It had always welcomed the visits of the Special Rapporteur, Mr. Yokota, as he himself had acknowledged. It was regrettable, however, that the Special Rapporteur had not given due recognition to the positive nature of the National Convention and the Government's significant initiatives to achieve national reconciliation. The people of Myanmar firmly believed that the path Myanmar had chosen was the surest path to a constitutional democracy. His delegation appreciated the fact that the conclusions of the Special Rapporteur were of a preliminary nature. It hoped that the Special Rapporteur's final report to the forthcoming session of the Commission on Human Rights would reflect with objectivity the situation in the country, taking the positive developments fully into account.

29. In conclusion, he reaffirmed his delegation's conviction that every State must have the right to build a society in the manner best suited to its conditions. The international community could best contribute to that endeavour by demonstrating greater understanding of the situation prevailing in Myanmar and by acknowledging the constructive changes that had taken place.

30. Mr. Kukan (Slovakia) took the Chair.

31. Mr. REMIREZ DE ESTENOZ (Cuba) recalled that until the people's revolution of 1959, Cuba had been a virtual colony of the United States of America, where a repressive regime had been brutally violating human rights. For over 30 years, the United States had pursued a policy of hostility and aggression against Cuba, the aim of which was to destabilize Cuban society and prevent the Cuban people from exercising their sovereignty. That policy, which was contrary to the Charter of the United Nations and international law, had been reflected in an increasingly harsh economic, trade and financial blockade, a constant military

(Mr. Remirez de Estenoz, Cuba)

threat, acts of economic sabotage and terrorism, and sustained disinformation and propaganda campaigns aimed at misleading international public opinion.

32. Although Cuba had declared its willingness to establish normal relations and cooperate with all States without exception, respecting the sovereignty of each one, and despite the end of the cold war, the United States had been pursuing an increasingly hostile policy towards Cuba in order to break its people's will to resist. The Cuban Government and people therefore had to make tremendous efforts to preserve the gains they had achieved in the area of human rights. Whether it was a question of economic, social and cultural rights, or civil and political rights, Cuba projected to the world the image of a country where human rights were fully respected and where the indicators of social development were among the world's highest.

33. Given the new international situation and Cuba's reintegration into the world economy, his Government had effected far-reaching changes, which included the opening up of the economy to foreign capital, the expansion of the private sector, the free circulation of foreign currency, the extension of the agricultural cooperative sector and the reorganization of the Government. At the political level, a new electoral law had been enacted whereby elections to parliament were to be by direct suffrage. In 1993, before thousands of foreign witnesses, Cuba had held the freest elections in its history, with an unprecedented voter turnout.

34. Slanderous campaigns aimed at leading people to believe that human rights were not respected in Cuba, were merely a ploy by the United States Government with a view to encouraging subversion and creating an international climate conducive to the exercise of the so-called right of humanitarian intervention. Concern shown by the United States with regard to human rights in Cuba was merely one aspect of its aggressive and hostile policy, in which Cuba's very existence as a nation was at stake. The United Nations had been forced, pursuant to a resolution adopted at the insistence of the United States, to apply to Cuba, the special machinery of human rights monitoring. The process had thus been tainted from the outset. For that reason, the report submitted to the Third Committee by the Special Rapporteur could not possibly take account of human rights violations in Cuba, since there were no such violations. In fact, the report fell far short of reflecting the actual situation in Cuba. Cuba did not recognize such a selective and discriminatory procedure. The Cuban Government nevertheless intended to cooperate, as it always had, with the machinery for the promotion of human rights and reaffirmed its willingness to debate such questions in the appropriate forums and in accordance with the principles of the indivisibility, universality and interdependence of human rights, as set forth in the Vienna Declaration.

35. The United States Government, which had initiated the farce represented by the appointment of a Special Rapporteur and the preparation of his report, was not in a position to pass judgement on human rights in Cuba. Not content with violating human rights in its own territory and supporting military dictators and repressive regimes, the United States paid no attention to the will of the

(Mr. Remirez de Estenoz, Cuba)

General Assembly, which had condemned the blockade on Cuba as a flagrant violation of the United Nations Charter and of international law. The policy of hostility and economic strangulation which was being pursued against Cuba should give way to a constructive attitude; only then would the Cuban people be fully able to enjoy their fundamental rights.

36. Mr. AGGREY (Ghana) said that 1993 marked the forty-fifth anniversary of the Declaration of Human Rights and that since the adoption of the Declaration, an impressive array of human rights instruments had been adopted and various mechanisms had been put in place to monitor their implementation. That process had led to a better understanding of the universality of human rights. International instruments such as the International Covenant on Civil and Political Rights and the International Covenant of Economic, Social and Cultural Rights had, moreover, established the interdependence of human rights, democracy and development. The World Conference on Human Rights, held in Vienna in June 1993, had recognized those inextricable links, which the Secretary-General had also reaffirmed in his latest report on the work of the Organization.

37. His delegation was of the opinion that United Nations bodies should in future endeavour to study the underlying causes of human rights abuses and of lack of respect for human rights, and mobilize the resources of the international community to help those States to improve the situation in that field. His country would like to see more detailed discussions of ways of improving coordination and enhancing the effectiveness of the United Nations system in the area of human rights, and of a number of other issues relating, inter alia, to the environment - in particular the dumping of toxic waste - the rules of trade and the right to development.

38. Ghana had already stated, in various United Nations forums, that the new post-cold-war order should be guided by the need for democratization, freedom and justice in international relations. Its foreign policy and its relations with the United Nations were based on those criteria. It was also in accordance with those principles that his delegation had considered the proposal for the creation of an Office of High Commissioner for Human Rights, which should enable the United Nations system to react more rapidly in cases of human rights violations, particularly between sessions of the Commission on Human Rights. It must be recognized that it was humanitarian situations which most often required swift action. In that respect, the Office of the United Nations High Commissioner for Refugees and the various United Nations bodies involved in humanitarian activities had been effective. The Commission on Human Rights had also so far been remarkably effective, even though some countries had on occasion tended to use it as a means of settling disputes with other countries. In that connection, his delegation believed that the creation of an Office of High Commissioner for Human Rights might deprive a number of States of the opportunity of contributing to the decision-making process within an intergovernmental body such as the Commission.

39. It would also be important to examine the relationship between the Office of the High Commissioner and the Centre for Human Rights and between the office of the High Commissioner and the Commission; the relationship between the Office

of the United Nations High Commissioner for Refugees and its Executive Committee would be a poor example to follow. The General Assembly would also have to address questions relating to the authority and mandate of the Office of the High Commissioner for Human Rights very carefully, and see to it that they were in accordance with Article 2 of the Charter. Any temptation to invest the Office with the authority to impose sanctions or establish conditions for development assistance should be resisted. As part of its mandate, the Office of the High Commissioner should assist the Economic and Social Council in discharging its obligations, in particular by providing detailed and reliable information on the underlying causes of human rights abuses so that the appropriate organs could take the necessary action to address the roots of the evil. His delegation welcomed the recommendations adopted at the Vienna Conference, particularly the proposal regarding the proclamation of a United Nations decade for human rights education.

40. Mr. SLOKENBERGS (Latvia), speaking on agenda item 115, said that, after 50 years of illegal occupation and annexation by the former Soviet Union, Latvia had regained its independence on 24 August 1991. The policy of russification carried out by Moscow in the Baltic States during that long period had had the effect of changing the demographic situation in Latvia, where ethnic Latvians were close to becoming a minority in their own land. The latter now constituted only 52 per cent of the total population and were a minority in the seven largest cities in Latvia. Another major problem which Latvia had inherited from the former occupying Power was the presence of military forces of Russian Federation, a problem which had still not been resolved despite the ongoing negotiations. The international community had confirmed that there could be no linkage between the withdrawal of those forces by the Russian Federation and the so-called "human rights situation" in Latvia. However, Latvia was concerned by statements to the contrary made by the Defence Minister of the Russian Federation.

41. Latvia was proud that it had regained its sovereignty without spilling the blood of those who had been opposed to independence. On 6 June 1993, the first elections since the restoration of independence had been held in Latvia. Approximately 400,000 non-ethnic Latvians had participated in them and they were now represented by two of the seven parliamentary groups. The 1992 Constitution had been restored and with it the continuity of the laws which had been in force in the independent Latvian State in 1918. Moreover, Latvia had consistently maintained that it was not a successor State to the former Soviet Union. Throughout that process, Latvia had ensured that its legislation was in conformity with international human rights standards and, according to experts of the Council of Europe, the protection afforded by its legislation was comparable to that provided by the Constitution of most of the member States of the Council of Europe.

42. Despite that positive assessment, the Russian Federation had repeatedly alleged that human rights were being violated in Latvia. At the request of Latvia, the Secretary-General had sent a fact-finding mission to Latvia in October 1992, which had formulated its conclusions in document A/47/748. The mission had recognized that Latvia was going through a transitional period and

(Mr. Slokenbergs, Latvia)

was endeavouring to redress certain historical inequities and injustices perpetrated from 1940 to 1991; that that situation had given rise to anxiety among the non-ethnic Latvians about their future status; and that there was no discriminatory policy as such in Latvia. The expert groups sent by European institutions made very similar evaluations. The concerns of the Russian Federation about the situation of ethnic Russians was particularly strange in that Latvia was not the scene of any internal conflict and the International Organization for Migration had found that there were no refugees from Latvia in the territory of the Russian Federation. The Russian Federation had also attempted to champion the rights of all the Russian-speaking persons in Latvia, including Byelorussians and Ukrainians. Yet, neither Belarus nor Ukraine had alleged human rights violations in Latvia. His delegation had therefore concluded that the question of ethnic Russians in Latvia was being used by the Russian Federation as a pretext for interfering in the internal affairs of neighbouring States.

43. Latvia, for its part, had refrained from criticizing the human rights record of the Russian Federation, although hundreds of innocent civilians had been killed in Moscow during the events at the beginning of October 1993, thousands of people had been deported on the basis of a municipal decree, and an entry permit regime had been established, all of which directly violated international human rights standards. Those situations, along with restraints on the freedom of the press, deserved serious attention by the international community.

44. In accordance with the recommendations of the fact-finding mission in Latvia, his Government had taken steps for the further integration of resident aliens into Latvian society and had requested the Secretary-General to circulate a summary of those measures as an official United Nations document. The most important measure was the adoption of a law on citizenship. In that regard, the governing coalition of the Latvian Parliament had drafted a bill that would be put to a referendum. Although legislation on citizenship was the internal affair of every sovereign State, his Government had committed itself to sending the draft citizenship law to the Council of Europe for review and comments before carrying out the referendum. Furthermore the Latvian Parliament (Saeima) was currently working with Council of Europe experts on legislation regarding the status of stateless persons, migrant workers and foreigners in Latvia.

45. States which, for geopolitical reasons, accused other States of violations for which the international community had been unable to find the slightest proof, not only affronted the principles of decency in international relations but also directly violated the provisions of the Charter. The investigation of such allegations wasted precious resources. Worse still, such unsubstantiated allegations devalued the work of the bodies which had already determined the true situation regarding the alleged human rights violations in Latvia. His delegation was prepared to agree to the adoption of a text on agenda item 115 by the Committee on condition that it reflected the actual situation in Latvia and the conclusion of the Secretary-General that human rights were not being violated in Latvia. However, taking into account the Secretary-General's

(Mr. Slokenbergs, Latvia)

conclusions, it would not be able to agree to the inclusion of the item in the agenda of the forty-ninth session of the General Assembly.

46. The CHAIRMAN said that the delegations of Bosnia and Herzegovina and of Pakistan had asked why the Special Rapporteur on the human rights situation in the territory of the former Yugoslavia, Mr. Tadeusz Mazowiecki, had not been invited to introduce his report to the Committee. He asked Mr. Ibrahima Fall, Under-Secretary-General for Human Rights, to respond to the question.

47. Mr. FALL (Under-Secretary-General for Human Rights) said that Mr. Mazowiecki had just presented to the Commission on Human Rights his ninth report on the human rights situation in the former Yugoslavia. However, as he (Mr. Fall) noted in his introductory statement, when the Commission on Human Rights had extended the mandate of the Special Rapporteur by one year, in February-March 1993, it had not requested him to report to the General Assembly.

48. Mr. SACIRBEY (Bosnia and Herzegovina) said that his country, like many others represented in the Committee, had been represented at the World Conference on Human Rights, and had welcomed the fact that the universality of human rights had been reaffirmed in the Declaration adopted at the Conference. Yet, only a two hours' flight from where the Declaration had been adopted, the most obvious mass human rights abuses were still occurring in Bosnia and Herzegovina. For more than a year and a half, the citizens of that country had endured starvation, cold and disease. They had endured aircraft attacks, bombardments and sniper fire. The women of Bosnia and Herzegovina had suffered gang rape, forced pregnancy, extermination. In response to those violations, which had been extensively documented, resolutions had been adopted, conferences had been convened and the Belgrade regime and its surrogates had been relegated to the status of pariahs. Yet, at the moment in Bosnia and Herzegovina nothing had changed. The methods of what had come to be called "ethnic cleansing" were being employed as ruthlessly as before. In the areas occupied by the Serbs, the non-Serbs were subjected to harassment, detention and even execution. A police state where terror reigned had forced the exodus of the non-Serb population. Even Serbs living in those areas lived in fear. Those who dared talk to journalists made sure that no one other than their family members were listening. Numerous Serbs had been killed by the forces of Radovan Karadzić for hiding or protecting non-Serbs. The conflict in Bosnia and Herzegovina was not a civil war but a conflict between the fascist nationalism of Belgrade, which was pursuing the objective of an ethnically pure Greater Serbia, and the political philosophy of Sarajevo, which espoused pluralism and democracy. Less than one week after the adoption in Geneva on 18 November 1993 of the joint communiqué authorizing free passage of humanitarian assistance, the Serbian forces had blocked convoys headed for Srebrenica, Sarajevo and other safe areas. On the very day when peace talks had been resumed in Geneva, the Serbian forces surrounding Sarajevo had celebrated the event with a barrage of artillery fire that had killed 6 and wounded 12. That had sent a clear message of contempt for peace, law, tolerance and humanity. Countless examples of such contempt had been shown by the Serbian forces towards the international community. Yet rather than assuming its responsibility to end the genocide and the destruction of one of its own, the international community was beating a retreat. It was

(Mr. Sacirbey, Bosnia and Herzegovina)

that very inertia that had contributed to the conflict currently taking place in central Bosnia between the forces of his Government and Bosnian Croat extremists. Barely two years after the international community had condemned the Serbian shelling of Dubrovnik, Bosnian Croat extremists had shelled and felled the 16th-century bridge connecting Mostar's east and west banks. Like Dubrovnik, that bridge was on the UNESCO list of world heritage sites to be spared and protected.

49. The international community's attitude to Bosnia and Herzegovina was somewhat surreal. In his country, the meaning of words had been completely perverted. The Co-Chairmen of the International Conference on the Former Yugoslavia defined "hard-liners" as those who continued to struggle for pluralism and democracy, while they had recently dubbed those labelled war criminals by Helsinki Watch, the United States Government and other Governments as the "keys to peace". Things continued as if the extent of the human rights violations and the genocide directed against the Bosnians could never reach a threshold high enough to make the international community react otherwise than with words of condemnation, and even those had been hard to come by in recent times. The admirable courage shown by UNHCR and the other humanitarian organizations, which had saved millions of lives, could not be contested. But, as the former special envoy of the High Commissioner for Refugees to the former Yugoslavia had said, the assistance was used as a palliative, an alibi, to mask the lack of political will to confront the reality of the war in Bosnia and Herzegovina with the necessary political and perhaps military means. That was also the view of the Special Rapporteur, who had stated in his report of 19 May 1993 that if sufficient pressure was not applied to force an end to human rights violations, any attempt to find a just and lasting political solution would be doomed to failure. That was borne out by the reality, because the genocide was continuing even as the peace talks resumed in Geneva. The genocide was directed against a people totally committed to democracy, pluralism and protection of human rights. At a time when 85 per cent of the dead in Bosnia and Herzegovina were Bosnian civilians, the international community had denied his Government its inherent right of self-defence by preventing it from acquiring the weapons that would have allowed it to deal with the aggression. As a result, ethnic cleansing, which was not the consequence but the goal of the conflict, was flourishing, even on the eve of the peace negotiations. Rather than barring the way to the murderers, the international community had promoted them to the rank of "peacemakers". Because of that misguided policy, the Muslim population of Bosnia and Herzegovina was still threatened with extermination.

50. Despite the catastrophic situation facing his Government, it had continued to show its firm commitment to a respect for humanitarian law. The previous October, for instance, it had arrested 148 individuals who had been involved, among other things, in black market activities.

51. If the international community wished to eliminate, or at least curtail, human rights abuses in Bosnia and Herzegovina, it must take full cognizance of the fact that those responsible for the violations were the Serbian authorities in Belgrade and their surrogates operating in his country. It had to be aware that the systematic policy of rape and subsequent extermination of rape victims

(Mr. Sacirbey, Bosnia and Herzegovina)

had been concocted by the war criminal Radovan Karadzić, who was currently participating in the Geneva peace talks. As the Special Rapporteur had said, a process of democratization in Serbia was essential before the human rights violations in the region could recede.

52. The international community could still save thousands of lives in Bosnia and Herzegovina, provided that it acted, rather than reacted, to deal with Belgrade's excesses. It must set itself the goal of guaranteeing the delivery of humanitarian relief, the observance of international law and the establishment of a durable peace. The United Nations Protection Force (UNPROFOR) must be mandated to establish secure humanitarian relief corridors. Tuzla airport must be opened for humanitarian purposes, without waiting for the good will of the Serbian forces. The sieges of Sarajevo and other Bosnian towns must be lifted, and full compliance with the resolutions establishing "safe areas" must be enforced. Those inhumane sieges were the most significant obstacle to constructive peace talks. By using the threat of air strikes to lift the sieges, thousands of human lives would be saved. Lastly, the international community must stop the ongoing flow of weapons from Serbia, as required under Security Council resolution 838 (1993), or else lift the arms embargo on his Government. Denying the legitimate Government of the Republic of Bosnia and Herzegovina the means of self-defence only contributed to the destruction of a Member State. As Dr. Martin Luther King had said, the tragedy of the world lay not with the suffering of the thousands, but with the silence of millions.

53. Mr. Chong-Ha YOO (Republic of Korea) said that the World Conference on Human Rights held in June in Vienna had marked a turning-point in United Nations human rights activities when it had reaffirmed that the promotion and protection of all human rights and the adoption of preventive measures to check human rights violations must be considered major issues. To maintain the momentum generated by the Conference, the necessary follow-up measures must be taken to its Declaration and Programme of Action. His delegation hoped that by 1998, the year of the fiftieth anniversary of the Universal Declaration of Human Rights, there would be substantial progress in respect for the fundamental rights of the individual, and that the Declaration would have a real impact.

54. Among the various recommendations adopted by the Conference, his delegation attached special importance to the proposal to establish the post of High Commissioner for Human Rights because it felt, like many other delegations, that to do so, preferably at the current session of the General Assembly, would facilitate coordination of activities conducted by the various United Nations human rights bodies and a more effective response to emergency situations involving human rights.

55. The protection and promotion of human rights, which the Conference had stressed were the primary responsibility of Governments, unquestionably posed many problems for them. Yet such problems, whether they were practical or theoretical, could never be used as a justification for human rights violations. Indeed, where respect for human rights was concerned, the decisive factor was essentially the good faith and the will of Governments. His delegation was

(Mr. Chong-Ha Yoo, Republic of Korea)

convinced that if all Governments were sincerely committed to honour faithfully all their obligations under the human rights instruments to which they were parties, the human rights situation in the world would be considerably improved.

56. With regard to the relationship between democracy, development and human rights, the Vienna Conference had clearly pointed out that those concepts were interdependent and mutually reinforcing. There was, indeed, no doubt that a certain degree of economic development was a prerequisite for democracy and the effective enjoyment of human rights. It should not be forgotten, moreover, that, while States had a responsibility to create an environment conducive to the realization of the right to development, on both the national and the international levels, it was incumbent on the international community to promote international cooperation to that end. The lack of development, however, could not justify human rights abuses; compassion and pragmatism were called for rather than a simplistic, self-righteous approach which could prove counterproductive.

57. The role of the United Nations in the field of human rights must be strengthened and expanded if the objectives set out in the Vienna Declaration and Programme of Action were to be achieved. In that regard, his delegation welcomed the proposal in the proposed programme budget for the biennium 1994-1995, that the resources of the Centre for Human Rights should be increased so that it could function as the focal point for international cooperation in human rights matters. It also supported the proposal that more importance should be attached to education in the area of human rights to improve understanding and awareness of those rights. In that connection, his Government intended to host a regional human rights seminar the following year in cooperation with the Centre for Human Rights.

58. Recent changes in international relations and democratic advances throughout the world had heightened expectations that a universal culture of human rights would finally prevail. It must, however, be noted that human rights continued to be violated, often on a massive scale. Such was the situation in the former Yugoslavia, where horrible crimes were being systematically committed against women and children. His delegation condemned those crimes and fully supported the International Tribunal established to bring their perpetrators to justice.

59. While the situation with regard to human rights was improving in the Middle East and South Africa, in certain other States it remained unchanged. His delegation found that deplorable and urged the Governments of those States to take immediate measures to guarantee fully the basic rights of their citizens. It urged them to cooperate fully with the Special Rapporteurs in the fulfilment of their mandates and, in particular, to allow them to make fact-finding visits to their territory.

60. Mr. MARKER (Pakistan) said that he wished to return to the subject of the massive human rights violations committed in Jammu and Kashmir and briefly reviewed the main elements of that situation. The people of Jammu and Kashmir had for years sought to exercise their right to self-determination, which had

(Mr. Marker, Pakistan)

been recognized both by the Security Council and by Pakistan and India itself. Their struggle had been carried on without serious incident until Indian troops had fired on peaceful demonstrators on 21 January 1990. Since that time, the people of Jammu and Kashmir had been subjected to intense and ruthless repression; some 40,000 men, women and children had been killed, and murder, torture, summary executions, rape and arson were daily occurrences, which had been attested to by such reputable non-governmental organizations as Amnesty International, Asia Watch and the International Federation for Human Rights and others, including some Indian human rights organizations. Furthermore, over the past few months, Indian security forces had intensified their campaign of repression, and two additional divisions of the Indian Army had been sent to Kashmir. The repression now claimed 20 to 30 victims a day, most of them civilians.

61. Those gross and consistent violations of human rights in the Indian part of Kashmir must cease, since they violated all human rights instruments, heightened the political tension between India and Pakistan, and threatened to erupt into a confrontation or conflict, the consequences of which would be catastrophic not only for those two countries but for the entire region.

62. On 19 October 1993, the Prime Minister of India had addressed a letter of congratulations to Mrs. Benazir Bhutto, who had just been elected Prime Minister of Pakistan, in which he had informed her that he was ready to resume bilateral talks with Pakistan, including talks on issues related to Jammu and Kashmir. The Prime Minister of Pakistan had accepted that offer but had informed the Indian Government, first, that the talks should cover all aspects of the dispute relating to Jammu and Kashmir, including the matter of its status and, second, that the Indian authorities should exercise moderation, and, as a first step, lift the siege of the Hazratbal Mosque.

63. Since then, the question of the siege of the mosque had been peacefully, although only partially, resolved. In the meantime, the Indian and Pakistani Governments had reached an agreement, through the diplomatic channel with a view to resuming negotiations, under the terms of which the Ministers for Foreign Affairs of India and Pakistan would meet from 1 to 3 January 1994 to address all aspects of the question of Jammu and Kashmir.

64. The human rights situation in Jammu and Kashmir had, however, not improved and the Indian security forces were continuing their campaign of repression. According to The New York Times and other leading world newspapers, the Indian Army had surrounded the town of Sopur, 20 miles from Srinagar, and between 50 and 200 people had been killed in the clashes that had ensued. All that cast doubt on India's genuine willingness to arrive at a peaceful solution to the crisis in Kashmir, a doubt which had only been reinforced by its brutal repression on 26 and 27 November in Srinagar and other towns, in which it had fired on peaceful demonstrators and burned homes.

65. In a statement published immediately after those events, Mrs. Benazir Bhutto had expressed her alarm over the escalation of the violence in Jammu and Kashmir and had questioned India's willingness to resume talks with

(Mr. Marker, Pakistan)

Pakistan. She had called on the world community to take note of the gravity of the human rights situation in the Indian part of Kashmir and had urged all States to appeal to India to halt its repressive activities. She had also requested them to ask India to allow international humanitarian organizations and the international media to enter Jammu and Kashmir unhindered, and had assured the people of Jammu and Kashmir that Pakistan would do its utmost to ensure that their rights were respected.

66. His delegation hoped that all States Members of the United Nations, and especially those friendly countries which had appealed to Pakistan to defer the submission of a draft resolution on the human rights situation in the Indian part of Kashmir, would use their influence with the Government of India to persuade it to change its position. The events in Kashmir were a matter of concern to the international community, and it was incumbent on the United Nations to ensure that the human rights situation in that part of the world improved.

67. Mr. NOACK SIERRA (Guatemala) said that human rights, in which the United Nations had been extremely active since its inception, was a matter to which his delegation attached the highest importance. According to estimates by the Centre for Human Rights, at least half the world's population was, in one form or another, subjected to serious violations or denials of human rights or fundamental freedoms. Guatemala had taken part in the World Conference on Human Rights in June, in the hope that it would encourage the promotion of and respect for such rights and would also put an end to the tendency to consider the matter in a selective, discriminatory and tendentious manner, applying different standards to different countries. His country reaffirmed its full support for the Declaration adopted at the Conference, which recognized the need to examine the issue of human rights in a fair and equitable manner, in a spirit of equality and not of confrontation.

68. In May 1993 a peaceful, popular demonstration had put an end to the crisis of government in Guatemala and brought about the restoration of democracy, with the accession of the Public Advocate for Human Rights, Mr. Ramiro de León Carpio, to the presidency of the Republic. The new Government had confirmed its unconditional commitment to the promotion of and guaranteeing of respect for the human rights and fundamental freedoms of all Guatemalans. An agreement that had recently - on 16 November - been concluded between the executive and legislative authorities had made it possible to overcome the political crisis which the country had undergone over the past three months. The Government's plan for the biennium 1994-1995 had an economic component - directed at eliminating poverty and improving living conditions for Guatemalans - and a political component, focusing on the reconciliation of the Guatemalan family to bring an end to the armed confrontation which had divided the country for more than 30 years and which had its source in the ideological confrontation handed down from the cold war. The plan would have to be accepted if Guatemalans were to enjoy all their fundamental rights.

69. In that connection, the Guatemalan Government wished to reiterate yet again its concern over the activities of small groups of armed rebels on the fringes

(Mr. Noack Sierra, Guatemala)

of the law and in flagrant violation of the rights of the Guatemalan people. The incessant acts of sabotage and destruction of the country's infrastructure carried out by members of the Unidad Revolucionaria Nacional Guatemalteca (URNG), the blowing up of mines and the laying of explosives in areas frequented by civilians obliged the Guatemalan army to stay on the alert to protect lives and private property. His delegation therefore welcomed the fact that the Commission on Human Rights concerned itself with the human rights consequences of acts of violence perpetrated by armed groups and others.

70. The Guatemalan Government, which had always worked with the Commission on Human Rights and the special representatives appointed by the Secretary-General, had done everything necessary to implement the recommendations of the independent expert investigating the human rights situation in Guatemala. In particular, it had taken measures to ensure the separation of the police and the armed forces. The Director-General of the national police was now a civilian, fully aware of the importance of respect for human rights. Seminars had been organized to inculcate in army and police officers respect for the rights of the people and the Guatemalan Government and the Inter-American Institute of Human Rights had undertaken a joint revision of the national police handbooks. The security corps attached to the Presidential headquarters, known as "Archivo", had been disbanded. With help from UNICEF, a proposal had been formulated for the creation of a special police corps to deal with minors. A purge of the various security corps had also been initiated and the right to carry arms was now more closely controlled. The government procurator's office, in collaboration with the United Nations Institute for the Prevention of Crime and Treatment of Offenders in Latin America and the Inter-American Institute of Human Rights, was currently working on a draft law, one provision of which would guarantee protection for witnesses. In addition, many educational programmes on human rights and the rights of indigenous populations, in particular, were currently being organized in educational establishments.

71. In accordance with the recommendations of the independent expert, the Government had taken measures to exercise greater control over the volunteer civil defence committees and had instituted an inquiry into the abuses committed by them. Anxious to stem the wave of violence and criminality which was sweeping the country in the wake of the economic crisis, the Government had set up a security plan for its citizens. It was also endeavouring to reduce illiteracy and had established Mayan language schools in order to preserve the local culture. It was further seeing to it that displaced and repatriated persons had access to education. Much attention was also being devoted to street children and a training centre had recently been set up for their benefit. Lastly, the Government was concentrating its efforts on the poor regions in the high plateau and was seeking to obtain financial resources to fund many social investment projects.

72. Guatemala associated itself with the move to proclaim a United Nations Decade of the world's indigenous people. In Guatemala 70 per cent of the population consisted of various ethnic groups whose economic and social situation was especially precarious. His country believed that the time had come for the rights of the world's indigenous peoples to be recognized.

(Mr. Noack Sierra, Guatemala)

73. Guatemala unreservedly supported the idea of establishing a post of United Nations high commissioner for human rights and hoped, in particular, that by centralizing and coordinating United Nations activities in that sphere, the high commissioner would put an end to the disorganized proliferation of such activities. He remained convinced, however, that political and legislative reform in the field of human rights might still be futile unless an effort was made to combat poverty and raise the standard of living. In the face of the problems afflicting the contemporary world, international cooperation was an absolute obligation. He reaffirmed Guatemala's intention to continue to work with the United Nations and with any officials appointed by it to study the human rights situation in Guatemala.

74. Mr. BHANDARE (India), speaking in exercise of the right of reply, deplored the remarks made by the delegation of Pakistan, which sat oddly with the fact that the Government of Pakistan and the Government of India had recently decided to resume their bilateral talks on the question of Jammu and Kashmir. He reserved the right to reply later and in detail to the false allegations made by the representative of Pakistan.

75. Mr. AKRAM (Pakistan) said that he had no intention of engaging in a long polemic with the Indian delegation. He had raised the question of Jammu and Kashmir because it was a part of the world where the question of human rights was acutely pertinent. Personally, he was gratified that the matter had received attention from the international community. There would be no peace or security in Jammu and Kashmir as long as India persisted in conducting its policy of repression.

76. Miss MANSARAY (Sierra Leone) said that her delegation had welcomed the announcement that on 1 January 1994 negotiations between India and Pakistan were to be resumed. She hoped that they would result in an agreement.

77. Prince AL-SAUD (Saudi Arabia) said that he was very concerned about the human rights violations in Jammu and Kashmir. His delegation welcomed the fact that the problem of the siege of the Hazratbal mosque had been resolved and that India and Pakistan were ready to resume their talks. He hoped that those talks would result in a settlement.

The meeting rose at 6.15 p.m.